

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS FULTON,

Plaintiff,

v.

BARRY SMITH, et al.,

Defendants.

CIVIL ACTION
NO. 20-3916

ORDER

AND NOW, this 16th day of October 2024, upon consideration of Petitioner Dennis Fulton's pro se Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. No. 1), the Government's Response in Opposition (Doc. No. 45), the Report and Recommendation of United States Magistrate Judge Scott W. Reid (Doc. No. 46), Petitioner's Objections to the Report and Recommendation (Doc. No. 48), the relevant state court record, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that:

1. The Report and Recommendation (Doc. No. 46) is **APPROVED** and **ADOPTED**.
2. Petition for a Writ of Habeas Corpus (Doc. No. 1) is **DENIED**.
3. A Certificate of Appealability **SHALL NOT** issue because, based on the analysis contained in the Magistrate Judge's Report and Recommendation, as approved and adopted by this Court, a reasonable jurist could not conclude that the Court is

incorrect in denying and dismissing the Habeas Petition. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473 (2000).

4. The Clerk of Court shall mark this case closed.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.